

REMARKS

Amendments to the specification have been made to correct minor typographical and grammatical errors.

Claims 1-31 were originally submitted.

Claims 1-2, 4-14, 16-17, and 20-22 have been cancelled without prejudice.

Claims 15, 23, 24 are allowed. Applicants appreciate allowance of these claims.

Claims 3 and 18 have been amended to depend from allowed base claim 15.

Claims 25, 26, and 29 have been amended to include elements that overcome the recited references.

Claims 1, 3, and 29-31 are rejected under the nonstatutory judicially created doctrine of double patenting over claim 1, 12, and 13 of U.S. Patent 6,655,782 to Barckhahn et al (Barckhahn).

Claims 16, 18-19, 22, 26, and 28 are rejected under the nonstatutory judicially created doctrine of double patenting over claim 12 of Barckhahn.

Claims 1-2, 16-19, 22, and 25-29 are rejected as under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,109,745 to Wen, in view of U.S. Patent 5,982,475 to Bruning (Bruning).

Claims 3 and 30 are rejected as under 35 U.S.C. §103(a) as being unpatentable over Wen, in view of Bruning, and in further view of U.S. Patent 6,012,792 to Seivert et al (Seivert).

Claims 3, 15, 18-19, 23-31 remain in this application.

Examiner Interview

A telephone interview was conducted on August 16, 2004, with Examiner Lam Nguyen and Emmanuel Rivera.

It was discussed that a terminal disclaimer may not be appropriate if the rejected claims are amended and the scope of the claims differs from Barckhahn.

Furthermore, it was discussed that the allowed claims 15, 23, 24 include elements not described in the cited references, specifically directed to “determining the number of swaths required to print an image and if the determined number is not an integer number to resize the image such that the resized image may be printed with an integer number of complete swaths”.

Double Patenting

Claims 1, 3, 16, 18-19, 22, 26, 38 and 29-31 are rejected under the nonstatutory judicially created doctrine of double patenting over U.S. Patent 6,655,782 to Barckhahn et al (Barckhahn). The Office presents that a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be filed to overcome the rejection. Applicants may file such a terminal disclosure if the Office maintains the nonstatutory double patenting rejection as to the amended claims.

35 U.S.C. §103(a)

Claims 1-2, 16-19, 22, and 25-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,109,745 to Wen, in view of U.S. Patent 5,982,475 to Bruning (Bruning).

Claims 1, 2, 16, 17, and 22 have been cancelled without prejudice.

Claims 18 and 19 have been amended to depend from allowed claim 15.

Amended claim 25 recites in part “determining the number of swaths required to print an image; resizing the image if the determined number of swaths is not an integer; and printing said resized image”. The Office in allowing the allowed claims has pointed out that

the cited references do not teach these elements. Accordingly, Applicants respectfully request that the §103 rejection of claim 25 be withdrawn.

Amended claim 26 recites in part “determine the number of swaths required to print an image and, if said determined number is not an integer, to resize said image such that said resized image may be printed with an integer number of complete swaths”. The Office in allowing the allowed claims has pointed out that the cited references do not teach these elements. Accordingly, Applicants respectfully request that the §103 rejection of claim 26 be withdrawn.

Dependent claims 27 and 28 are allowable based at the least on their dependency on claim 26. Accordingly, Applicants respectfully request that the §103 rejection of claims 27 and 28 be withdrawn.

Amended claim 29 recites in part “determining the length L of said image in said second axis; determining the number of swaths required to print said image; and if said determined number is not an integer number, resizing said image such that said resized length of said image in said second axis is substantially equal to $\text{INT}(L/W)$ ”. The Office in allowing the allowed claims has pointed out that the cited references do not teach these elements. Accordingly, Applicants respectfully request that the §103 rejection of claim 29 be withdrawn.

Claims 3 and 30 are rejected as under 35 U.S.C. §103(a) as being unpatentable over Wen, in view of Bruning, and in further view of U.S. Patent 6,012,792 to Seivert et al (Seivert).

Amended claim 3 has been amended to depend from allowed claim 15, and is allowable based at the least on its dependency on claim 15. Accordingly, Applicants respectfully request that the §103 rejection of claim 3 be withdrawn.

Claim 30 is allowable based at the least on its dependency on claim 29. Accordingly, Applicants respectfully request that the §103 rejection of claim 30 be withdrawn.

CONCLUSION

All pending claims s 3, 15, 18-19, and 23-31 are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the subject application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

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Respectfully Submitted,

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